

ORDINANCE NO. 12-53

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 50 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, AND A TOTAL AREA OF 5,550 SQUARE FEET, MORE OR LESS, WHERE A MINIMUM TOTAL AREA OF 7,500 SQUARE FEET IS REQUIRED, TO ALLOW A LOT COVERAGE OF 43%, WHERE A MAXIMUM OF 30% IS ALLOWED, AND TO ALLOW SIDE SETBACKS OF 5 FEET, WHERE AT LEAST 7.5 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-544, 98-546 AND 98-2056(b)(2). **VACANT LAND LOCATED ON THE WEST SIDE OF WEST 5 WAY BETWEEN WEST 23 STREET AND WEST 22 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of August 8, 2012 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where an average width of 75 feet is required, and a total area of 5,550 square feet, more or less, where a minimum total area of 7,500 square feet is required, to allow a lot coverage of 43%, where a maximum of 30% is allowed, and to allow side setbacks of 5 feet, where at least 7.5 feet are required, contra to Hialeah Code §§ 98-544, 98-546 and 98-2056(b)(2), which provide in pertinent part: "The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an

average width of at least 75 feet...”, “In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7 ½ feet in width.”, and “In addition, every residential development except R-1 and R-4, and R-3 when developed as R-4 shall comply with the following open space and lot coverage requirements: (2) A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.”, respectively. Vacant land located on the west side of West 5 Way between West 22 Street and West 23 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 6 AND 7, IN BLOCK 12, OF SEMINOLA CITY-SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, AT PAGE 75, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties. Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

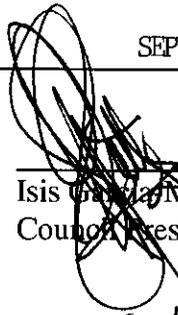
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11 day of SEPTEMBER, 2012.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



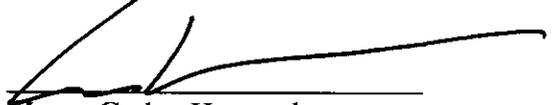
Isis Garcia Martinez
Council President

Attest:

Approved on this 13 day of September, 2012.



David Concepcion, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Council Members, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".